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NEW YORK, NY 10036-8403

MAILED

APR 16 2010

In re Application of :
Wassyl Nowicky :
Application No. 10/549,433 :
Filed: October 17, 2005 :
Attorney Docket No. P/4637-11 :

OFFICE OF PETITIONS
DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(a)

This is a decision on the petition filed April 9, 2010, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 23, 2010, with the issue fee being due on or before May 23, 2010. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 1625 for appropriate processing of the RCE filed April 9, 2010, and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND										
1 Date of Request: 04/16/10		2 Serial/Patent # 10/549,433								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT						
	Filing			\$						
	Amendment			\$						
	Extension of Time			\$						
	Notice of Appeal/Appeal			\$						
X	Petition 1464			\$ 130.00						
	Issue			\$						
	Cert of Correction/Terminal Disc.			\$						
	Maintenance			\$						
	Assignment			\$						
	Other			\$						
			7 TOTAL AMOUNT OF REFUND \$ 130.00							
8 TO BE REFUNDED BY:										
10 REASON:		Treasury Check								
Overpayment		Credit Deposit A/C #:								
Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px; text-align: center;">--</td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>					--			
		--								
X	No Fee Due (Explanation):									
CREDIT CARD REFUND. The petition filed 4/9/10 is dismissed as moot.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: Irvin Dingle		TITLE: Paralegal								
SIGNATURE: /Irvin Dingle/		PHONE: 2-3210								
OFFICE: Petitions										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****										
APPROVED:		DATE: 4/16/10								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Fee History Query Revenue Accounting and Management

Name/Number: 10549433

Total Records Found: 22

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/19/2010	00000001	4	1464	-\$130.00	04/09/2010	OP
04/12/2010	00003016	4	1464	\$130.00	04/09/2010	CC
04/12/2010	00003017	4	2801	\$405.00	04/09/2010	CC
10/21/2009	00008479	4	2251	\$65.00	10/20/2009	CC
07/02/2009	00007009	4	2801	\$405.00	07/01/2009	CC
04/21/2009	00006218	4	1806	\$180.00	04/20/2009	CC
03/04/2009	00005401	4	1251	\$130.00	03/03/2009	CC
05/16/2008	00000010	1	2631	\$150.00	09/15/2005	CK
05/16/2008	00000014	4	9204	-\$675.00	09/15/2005	CK
05/16/2008	00000013	1	2615	\$225.00	09/15/2005	CK
05/16/2008	00000012	1	2633	\$100.00	09/15/2005	CK
05/16/2008	00000011	1	2642	\$200.00	09/15/2005	CK
05/16/2008	00000009	1	1615	-\$450.00	09/15/2005	OP
05/16/2008	00000006	1	1631	-\$300.00	09/15/2005	OP
05/16/2008	00000007	1	1642	-\$400.00	09/15/2005	OP
05/16/2008	00000008	1	1633	-\$200.00	09/15/2005	OP
10/21/2005	00000557	1	2617	\$65.00	10/17/2005	CK
10/04/2005	00000605	1	2614	\$100.00	09/27/2005	CK
09/27/2005	00000088	1	1642	\$400.00	09/15/2005	CK
09/27/2005	00000089	1	1633	\$200.00	09/15/2005	CK
09/27/2005	00000087	1	1631	\$300.00	09/15/2005	CK
09/27/2005	00000090	1	1615	\$450.00	09/15/2005	CK

Adjustment date: 04/19/2010 LDIEP1
 04/12/2010 INTEFSW 00001717 10549433
 01 FC:1464 -130.00 OP

Refund Ref: 00300082566
 04/19/2010

Credit Card Refund Total: \$130.00

Am Exp.: XXXXXXXXXXXX1007